

## STANDARD APPLICATION

# Harford County Board of Appeals

Bel Air, Maryland 21014

Case No. 5454Date Filed 10/6/04

Hearing Date \_\_\_\_\_

Receipt \_\_\_\_\_

Fee \$450.00

Shaded Areas For Office Use Only

**Type of Application**☐ Administrative Decision/Interpretation☐ Special Exception☐ Use Variance☐ Change/Extension of Non-Conforming Use☐ Minor Area Variance☒ Area Variance☐ Variance from Requirements of the Code☐ Zoning Map/Drafting Correction

Nature of Request and Section(s) of Code \_\_\_\_\_

CASE 5454 MAP 55 TYPE VarianceELECTION DISTRICT 03 LOCATION 2800 Bel Air Rd, Fallston MDBY Robert Scheuerman, 1627 Watervale Road, Fallston, MDAnd Charles Scheuerman, 2800 Bel Air Road, Fallston, MD

Appealed because a variance pursuant to Sec 267-39B, Table XII of the Harford County  
Code to reduce the 35' rear yard setback (2' setback proposed) in the B3 District requires  
approval by the Board.

**NOTE:** A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

**Applicant - - (please print or type)**Name Charles Scheuerman Phone Number (410) 456-5539

Address 2800 Bel Air Road Fallston, MD 21047-2824  
Street Number Street City State Zip Code

Property Owner Robert Scheuerman Phone Number (410) 879-3562

Address 1627 Watervale Road Fallston, MD 21047-1923  
Street Number Street City State Zip Code

Contract Purchaser N/A Phone Number \_\_\_\_\_

Address \_\_\_\_\_  
Street Number Street City State Zip Code

Attorney/Representative Lawrence F. Kreis, Jr., Esquire  
Robert S. Lynch, Esquire Phone Number (410) 879-2222

Address Stark and Keenan, P.A., 30 Office Street, Bel Air, MD 21014  
Street Number Street City State Zip Code

Land Description

Address and Location of Property 2800 Bel Air Road, Fallston, MD 21047

Subdivision N/A Lot Number N/A

Acreage/Lot Size .991 Ac. Election District 03 Zoning B3

Tax Map No. 55 Grid No. 4C Parcel 72 Water/Sewer: Private waterPublic sewer

List ALL structures on property and current use: Fallston Gun & Pawn Shop and Fast Eddie's Pit Beef with pavilion.

Estimated time requested to present case: 1 hour

If this Appeal is in reference to a Building Permit, state number N/A

Would approval of this petition violate the covenants and restrictions for your property? N/A

Is this property located within the County's Chesapeake Bay Critical Area? Yes No X

If so, what is the Critical Area Land Use designations: N/A

Is this request the result of a zoning enforcement investigation? Yes X No

Is this request within one (1) mile of any incorporated town limits? Yes No X

Request

See Attached

Justification

See Attached

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval requested. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

CHARLES SCHEUERMAN  
2800 Bel Air Road, Fallston, MD  
Map 55, Parcel 72

REQUEST:

An area variance pursuant to Section 267-11 of the Harford County Zoning Code to reduce the rear yard setback in the B3 District from thirty-five feet (35') to two feet (2'). The variance request is for a thirty-three foot (33') reduction.

JUSTIFICATION:

This property is improved with a building that the Applicant utilizes as a carry-out pit beef stand. In an effort to accommodate its customers, the Applicant constructed an open air structure/pavilion to help shield customers from the elements. This structure/pavilion is accessory to the principal use on the site which is the pit beef stand. The property is irregularly shaped, and by reason of the uniqueness of the property, the literal enforcement of the Code will result in practical difficulty and unreasonable hardship. Furthermore, the variance will not be substantially detrimental to adjacent properties and will not materially impair the purpose of the Code or the public interest.

U.S. ROUTE 1

**JAMES M. HARKINS**

HARFORD COUNTY EXECUTIVE

**JOHN J. O'NEILL, JR.**

DIRECTOR OF ADMINISTRATION



**J. STEVEN KALL-ZIEGLER**  
DIRECTOR OF PLANNING & ZONING

## HARFORD COUNTY GOVERNMENT

### Department of Planning and Zoning

November 4, 2004

#### STAFF REPORT

#### **BOARD OF APPEALS CASE NO. 5454**

APPLICANT/OWNER: Charles Scheuerman  
2800 Bel Air Road, Fallston, Maryland 21047-2824

Co-APPLICANT/OWNER: Robert Scheuerman  
1627 Watervale Road, Fallston, Maryland 21047-1923

REPRESENTATIVE: Lawrence F. Kreis, Jr., Esquire  
Robert S. Lynch, Esquire  
Stark and Keenan, P.A.,  
30 Office Street, Bel Air, Maryland 21014

LOCATION: 2800 Bel Air Road, Fallston, Maryland 21047  
Tax Map: 55 / Grid: 4C / Parcel: 72  
Election District: Third (3)

ACREAGE: 0.991 of an acre

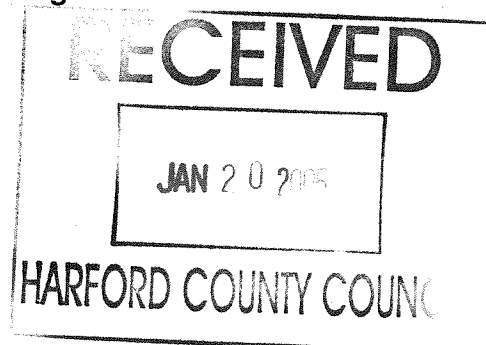
ZONING: B3/General Business District

DATE FILED: October 8, 2004

HEARING DATE: February 7, 2005

#### **APPLICANT'S REQUEST and JUSTIFICATION:**

See ATTACHMENT 1.



*Preserving our values, protecting our future*

## STAFF REPORT

Board of Appeals Case Number 5454

Robert & Charles Scheuerman

Page 2 of 4

### **CODE REQUIREMENTS:**

The Applicants are requesting a variance pursuant to Section 267-39B, Table XII of the Harford County Code to reduce the 35-foot rear yard setback (2-foot proposed) in the B3/General Business District.

Enclosed with the report is a copy of Section 267-38B, Table XII of the Harford County Code (Attachment 2).

### **LAND USE and ZONING ANALYSIS:**

#### Land Use – Master Plan:

The subject property is located on the north side of Bel Air Road (U.S. Route 1), east of Reckord Road. A location map and a copy of the Applicants' site plan are enclosed with the report (Attachments 3 and 4).

The area along Bel Air Road is designated as High Intensity. To the north of the subject property the land use designation is Agricultural and to the south there is a large area of Rural Residential. The Natural Features Map reflects stream systems, Agricultural Preservation District/Easement, and Sensitive species project review areas. The subject property is designated as High Intensity, which is defined by the 2004 Master Plan as:

**High Intensity** - Areas within the Development Envelope where residential development occurs at a density greater than 7.0 dwelling units per acre. Major retail commercial centers and highway-related businesses, such as automobile dealerships and home improvement centers, are examples of some of the most intensive uses associated with this designation.

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 5 and 6).

#### Land Use – Existing:

The area along Bel Air Road contains intensive commercial development that includes individual retail sales, automobile sales and service dealerships, warehousing, medical supplies, professional and personal services, State Police Barracks, restaurants and a shopping center. Enclosed with the report is a copy of the aerial photograph (Attachment 7).

The subject property is a narrow parcel, containing 0.991 of an acre with approximately 458-feet of road frontage along Bel Air Road. The topography of the site is level to gently sloping. The property contains Fallston Gun and Pawn Shop and Fast Eddie's Pit Beef. The existing buildings were once a motel created before zoning regulations were established. A section of the building

## STAFF REPORT

Board of Appeals Case Number 5454

Robert & Charles Scheuerman

Page 3 of 4

between the gun shop and the pit beef business has been removed with only the foundation block remaining. Board of Appeals case 4818 (Attachment 8) allowed a small expansion to create a bathroom that was being required by the Health Department. The pavilion has been constructed to the left side of the Fast Eddie's Pit Beef. Enclosed with the report is a topography map, an enlargement of the aerial photograph and site photographs (Attachments 9, 10, 11).

### Zoning:

The zoning classifications in the area are consistent with intent of the 2004 Master Plan as well as the existing land uses. The area along Bel Air Road is zoned B3/General Business District. To the north and south of US Rte 1, the predominant zoning classifications are AG/Agricultural and RR/Rural Residential. The subject site is zoned B3/General Business District as shown on the enclosed copy of the zoning map (Attachment 12).

### Zoning History:

The bathroom approved in case #4818 has been constructed. The applicant recently constructed the pavilion without obtaining the necessary permits or Board of Appeals approval.

### SUMMARY:

The Applicant is requesting a variance pursuant to Section 267-39B, Table XII of the Harford County Code to reduce the 35-foot rear yard setback (2-foot proposed) in the B3/General Business District.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The Department finds that the applicant has not provided sufficient justification to support the requested variance. The property contains more than one business use in the existing non-conforming structures. The applicant operates a pit beef carryout stand from the property. In case #4818 the applicant justified the request by stating that the bathroom was necessary to meet State Health Department requirements. The pavilion is not required to operate this business.

STAFF REPORT

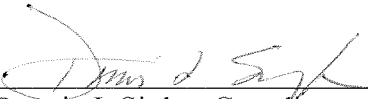

Board of Appeals Case Number 5454

Robert & Charles Scheuerman

Page 4 of 4

**RECOMMENDATION and or SUGGESTED CONDITIONS:**

The Department recommends that the request be denied.

  
Dennis J. Sigler, Coordinator  
Zoning & Board of Appeals Review  
Anthony S. McClune, AICP  
Deputy Director, Planning and Zoning

DJS/ASM/jf